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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,270	01/25/2005	Valerie Liebhold	PA020014	8778
24498	7590	05/10/2010		
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EXAMINER				
EKPO, NNIENNA NGOZI				
ART UNIT		PAPER NUMBER		
2425				
MAIL DATE		DELIVERY MODE		
05/10/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,270

Applicant(s)

LIEBHOLD ET AL.

Examiner

NNENNA N. EKPO

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/02/2010 has been entered.

Response to Arguments

2. Applicant's arguments filed 03/02/2010 have been fully considered but they are not persuasive.
3. Applicant's argues on pages 5+ of the 03/02/2010 Remarks that neither Lee (U.S. Patent No. 7,426,537) nor Myers (U.S. Publication No. 2002/0113824) discloses "upon a second action introduced by the user for removing the track to be considered while represented in the first area of the screen, and if several occurrences of the track to be considered are displayed in the second area displaying at least part of the play list, removing the last occurrences of the track to be considered in the play list displayed in the second area".

In response to argument, Examiner respectfully disagrees. Examiner notes that the claim does not reflect Applicant's remarks. Applicant is arguing especially on page 7 of the Remarks that "the user selects a track in a list of tracks in a first area, the occurrences of this tracks appearing in a second area. Since the user cannot select

individually each occurrence of the selected tracks, the removal of the selected track in the first list triggers the removal of the last occurrence of this track in the second displayed list, i.e. the play list. This removal is performed without the user selecting a particular track on the second display list" (i.e. Applicant is arguing that the user has to interact with only the first area to delete the last occurrence of the duplicated track(s) in the second area), however, the claim only depicts deleting duplicated data from the second area which still reads on the Myers, JR. reference. Myers, JR. reference discloses on fig. 9 and paragraphs 0095-0103 that button elements 901-907 which is considered as the first area and jukebox tree display area 915 which is considered as the second area. When a user selects for instance item 907 from the first area, it appears on the second area 915. The dialog window shows all the duplicate song entries i.e. different/multiple song entries and a user can select one of the two duplicates, then press a "delete" button (which is on a different area) in order to remove the duplicate song.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 7,426,537) and Myers, Jr. (U.S. Publication No. 2002/0113824).

Regarding **claims 1, 4, 7 and 10**, Lee discloses a method for modifying a play list in an audio and/or video apparatus, comprising the steps of:

displaying in a first area of a screen a representation of at least part of available tracks (see col. 16, lines 62-col. 17, lines 3, fig. 10b (1006)),

displaying in a second area of the screen at least part of the current play list (see col. 16, lines 62-col. 17, lines 3, fig. 10b (1008)),

determining a track to be considered upon a first action introduced by a user (see col. 16, lines 62-col. 17, lines 3, fig. 10b),

indicating the track to be considered by a specific representation in the first area of the screen associated with the track to be considered (see col. 16, lines 62-col. 17, lines 3, fig. 10b),

repeating the steps of determining and indicating to enable several occurrences of the same track to be added to the play list (see col. 16, lines 62-col. 17, lines 11, fig. 10b),

upon a second action introduced by the user, removing the track to be considered while represented in the first area of the screen (see col. 16, lines 50-54).

However, Lee et al. is silent as to if several occurrences of the track to be considered exist in the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area.

In an analogous art, Myers, Jr. discloses, upon a second action introduced by the user for removing the track to be considered while represented in the first are of the screen, and if several occurrences of the track to be considered are displayed in the second area displaying at least part of the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area (see fig. 9 and paragraphs 0095-0103; button elements 901-907 which is considered as the first area and jukebox tree display area 915 which is considered as the second area. When a user selects for instance item 907 from the first area, it appears on the second area 915. The dialog window shows all the duplicate song entries i.e. different/multiple song entries and a user can select one of the two duplicates, then press a "delete" button (which is on a different area) in order to remove the duplicate song).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the systems and methods of Lee et al. to include upon a second action introduced by the user for removing the track to be considered while represented in the first are of the screen, and if several occurrences of the track to be considered are displayed in the second area displaying at least part of the play list, removing the last occurrence of the track to be considered in the play list displayed in the second area as taught by Myers, Jr. for the purpose of allowing a user to free up space on hard drive by removing duplicate songs.

Regarding **claims 2, 5 and 8**, Lee et al. and Myers, Jr. discloses everything claimed as applied above (see *claims 1, 4 and 7*). Myers, Jr. discloses wherein the first

action and the second action are actions introduced on a remote control sending signals to the apparatus (see paragraph 0071).

Regarding **claims 3, 6, and 9**, Lee et al. and Myers, Jr. discloses everything claimed as applied above (see *claims 1, 4 and 7*). Myers, Jr. discloses wherein said specific representation of the track to be considered is highlighting the representation in the first area of the screen associated with the back to be considered (see paragraph 0077, lines 38-53).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NNENNA N. EKPO** whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna Ekpo/
Patent Examiner, Art Unit 2425
May 4, 2010.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425